

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BOBBIE LEE BROOKS,)
)
 Plaintiff,)
)
 v.) **No. 3:10-CV-466**
) **(Phillips)**
 STATE OF TENNESSEE, *et al.*,)
)
 Defendants.)

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Honorable H. Bruce Guyton on January 26, 2011. [R&R, Doc. 9]. In the R&R [Doc. 9], Judge Guyton recommended to deny Plaintiff’s Motion for Leave to Appeal *in forma pauperis* [Doc. 8]. There have been no timely objections to the R&R [Doc. 9], and enough time has passed since the filing of the R&R [Doc. 9] to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge’s conclusion that Plaintiff’s Motion for Leave to Appeal *in forma pauperis* [Doc. 8] be **DENIED**. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 9] under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc.9], which the Court adopts and incorporates into its ruling, that Plaintiff’s Motion for Leave to Appeal *in forma pauperis* [Doc. 8] is **DENIED**. If Plaintiff intends to pursue his appeal, he must pay the full \$455 appellate filing fee

or file a motion to proceed *in forma pauperis* and supporting affidavit in the United States Court of Appeals for the Sixth Circuit within thirty (30) days of entry of this Order.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge